

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Hans-Peter Hein**

Serial No.: **10/578,086**

Examiner: **J. Smalley**

Filing Date: **March 7, 2008**

Art Unit: **3781**

For: **PLASTIC COATING OF THE END-INNER AREA OF A CAP**

Docket No.: **D4695-00153**

Customer No.: **08933**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement dated August 22, 2011. The Examiner requires an election between Group I, claims 1-13, 24 and 25, drawn to a method of making a cap; Group II, claims 14-19 and 26, drawn to a cap for sealing a container; or Group III, claims 20-23, drawn to an annular forming die.

Applicant hereby provisionally elects to prosecute Group I, claims 1-13, 24 and 25. This election is made with traverse.

In addition, the Examination of all groups concurrently is requested, given the commonality of subject matter among the groups. The Manual of Patent Examining Procedure (M.P.E.P.) recites the requirements for a proper restriction requirement. In particular, the M.P.E.P. states:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP Section 802.01, Section 806.06, Section 808.01) or distinct as claimed (see MPEP Section 806.05 – Section 806.05(j)); *and*

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP Section 803.02, Section 808, and Section 808.02).